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CAPITOL SPOTLIGHT
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"KIDNEYS FOR SALE?"

Rep. Albert Gore, (D-Tenn.) and I are currently working feverishly to enact a law which would prohibit the sale of human organs under any circumstances.

Our sense of urgency comes from the fact that a Virginia doctor, H. Barry Jacobs, has already begun to set up a business for the buying and selling of human organs. In testimony before my Subcommittee and in statements to the media, Jacobs gave impressive evidence that his fledgling business has aroused interest from numerous potential organ sellers and receivers.

Hundreds of hospitals across the United States--including hospitals here in Southern California--have been solicited by Jacobs for participation in his scheme. He intends to bring organ buyers and sellers together, charge a consultant's fee between \$2,000 and \$5,000, and allow the two parties to the deal to negotiate a price. Estimates of possible prices for a single kidney have ranged between \$10,000 and \$30,000.

I was horrified to see a long essay by Harry Schwartz in the prestigious "Wall Street Journal" promoting commercialization of organ transplants and asking rhetorically, "Why are we so afraid to use the simple capitalist technique of a reward?"

Let me answer Schwartz' question by pointing out some of the reasons I feel the sale of organs would be a moral and medical disaster.

First, people donating their own organ, or the organ of a deceased relative, would have a major financial incentive in concealing pertinent medical facts. As a result, the organ recipient might experience an unsuccessful or even fatal operation.

Second, Jacobs' scheme would utterly destroy the donor system. How many people are so altruistic as to give away something for which they could receive a high price? As one potential kidney seller put it recently, "I want to help someone who needs a kidney and also help myself and my family--we need the money".

Third, most ominous, the family of a person near death would have a cash incentive to hasten the demise of their dying kin. The entire area of definition of death, pulling the plug, when to withhold vital intravenous nourishment, etc. is already overwhelmingly complex. Surely, we ought not make the situation even worse by introducing gross financial considerations.

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Fourth, obviously there are only so many livers, kidneys, hearts, and lungs that are both suitable and can be made available for transplantation. A commercial system will inevitably lead to situations in which the rich would live and the poor would die. Medical and moral considerations would be discarded. Life-saving organs could be auctioned to the highest bidder.

Fifth, unscrupulous organ dealers would have a field day duping poor, desperate, and confused people into selling not only the organs of deceased relatives, but their own organs. It is true that a person can live with a single kidney. It is not true that selling a kidney is a safe or sensible way to make money.

Surgical removal of a kidney is a major procedure with many serious risks. One kidney does not compensate completely for two. The loss of a kidney means the loss of some kidney function. Kidney specialists are unanimous in agreement that the full long-term risks of functioning with a single kidney are not yet known.

Jacobs and others are promoting organs for sale by arguing that there is a huge organ shortage which the donor system cannot hope to meet. They are wrong. In our legislation to outlaw organ sales, Rep. Gore and I provide the framework for an effective, adequately-funded, national organ donor system. I am certain we can have all the benefits of the latest organ transplanting techniques without turning organ transplantation into just another business.

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